

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

THOMAS KRAKAUER,

Plaintiff,

v.

DISH NETWORK LLC,

Defendant.

Case No. 1:14-CV-00333-CCE-JEP

Oral Argument Requested

**DEFENDANT DISH NETWORK L.L.C.'S RULE 50(b) MOTION
FOR JUDGMENT AS A MATTER OF LAW**

Pursuant to Federal Rule of Civil Procedure 50(b), Defendant DISH Network L.L.C. respectfully moves the Court for judgment as a matter of law on all counts.

Pursuant to Local Rule 7.3(c), DISH hereby requests a hearing or an oral argument to fully address the issues discussed herein. A brief stating the grounds for this Motion will be filed separately herewith.

Dated: March 7, 2017

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Peter A. Bicks

Peter A. Bicks

Elyse D. Echtman

John L. Ewald

51 West 52nd Street

New York, NY 10019-6142

Telephone: (212) 506-5000

pbicks@orrick.com

eechtman@orrick.com

jewald@orrick.com

/s/ Eric Larson Zalud

Eric Larson Zalud

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

200 Public Square, Suite 2300

Cleveland, OH 44114

Telephone: (216) 363-4588

ezalud@beneschlaw.com

/s/ Richard J. Keshian

Richard J. Keshian

North Carolina Bar No. 10681

KILPATRICK TOWNSEND & STOCKTON
LLP

1001 West 4th Street

Winston-Salem, NC 27101

Telephone: (336) 607-7322

rkeshian@kilpatricktownsend.com

Attorneys for Defendant DISH Network L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2017, I electronically filed the above document with the Clerk of Court using the CM/ECF system, which will send notifications of such filing to all counsel of record.

/s/ Peter A. Bicks

Peter A. Bicks
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019-6142
Telephone: (212) 506-5000
pbicks@orrick.com

Attorneys for Defendant DISH Network L.L.C.